

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

The Public Institution for Social Security,

Defendant.

Adv. Pro. No. 12-01002 (CGM)

**ORDER DENYING THE PUBLIC INSTITUTION FOR SOCIAL
SECURITY'S MOTION TO DISMISS THE COMPLAINT AND MOTION
TO STRIKE THE DECLARATION OF BRIAN W. SONG**

Defendant the Public Institution for Social Security's ("Defendant" or "PIFSS") motion to dismiss the Complaint under the Foreign Sovereign Immunities Act, 28 U.S.C. § § 1602-1611, Bankruptcy Rule 7012(b), and Federal Rule of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6) (the "**Motion to Dismiss**") and Defendant's motion to strike the declaration of Brian W. Song and

all attached exhibits numbered 1 through 13 (the “**Motion to Strike**”) came on for hearing before the Court on July 13, 2022 (the “**Hearing**”). The Court has considered the Motion to Dismiss and the Motion to Strike, the papers filed in support of and in opposition to the motions, the Complaint, and the statements of counsel at the Hearing, and the Court has issued a memorandum decision, dated August 17, 2022, regarding the Motion (the “**Decision**”). For the reasons set forth in the Decision, **IT IS ORDERED:**

1. The Motion to Dismiss the Complaint is denied.
2. The Motion to Strike is denied.
3. The deadline for Defendant to file an answer to the Complaint is October 14, 2022.
4. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: September 1, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge